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10/510,422	04/21/2005	Richard Charles O'Leary	006842-012	6308
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HOEL, MATTHEW D				
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3714				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/510,422

Applicant(s)

O'LEARY ET AL.

Examiner

Matthew D. Hoel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 10/5/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 to 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda, et al. (Japanese patent publication JP 08-038670 A, application JP 06-197268) in view of McGeary (U.S. patent 4,268,744 A).

1. As to Claim 1: '670 discloses all of the limitations of Claim 1, but lacks specificity as to a participant identification means. An administration system to assist administrators of an event having multiple participants, the system adapted to allow a system administrator to collect, analyse and distribute up to date information about at least one participant (Para. 14), the administration system comprising: a. a participant identification means issued to each participant, having at least one identifying feature of

the participant recorded thereon; b. at least one portable data collection means adapted to allow collection of information relating to each participant of the event, upon presentation of the participant identification means, c. a remote data storage means associated with the at least one data processing unit to store at least a copy of all information collected by the data collection means (Para. 24), and d. data distribution means adapted to allow access to the information contained in the data storage means (Paras. 21 & 22). '744, however, teaches a participant identification means issued to each participant, having at least one identifying feature of the participant recorded thereon, at least one portable data collection unit, and collection of information relating to each participant of the event, upon presentation of the participant identification means (Abst.; Fig. 1; 2:32-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the identification of '744 to the game reporting system of '670. '744 in Fig. 1, element 134, has a score card printer and dispenser (3:26-35, 9:33-53), which is analogous to the game reporting limitations of '670. '744 is used for the analogous reporting purpose of updating scores to determine new handicaps (Abst.). The card reader of '744, Fig. 1, could be physically incorporated into the personal computer 100 of '670, Para. 20. The advantage of this modification would be to positively identify the players before commencement of the game to ensure the validity of the reported game results.

2. As to Claim 2: '670 and '744 teach the administration system according to claim 1 wherein the system operates on at least one computer having at least one controlling software application to control, maintain and update the information stored in the data

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storage means and the functions of the system ('670, Para. 49, automatically setup; information stored on all players and plays, Para. 26).

3. As to Claim 3: '670 and '744 teach the administration system according to claim 1 wherein the data collection means further Includes a checklist procedure associated with each data processing unit, the checklist procedure being adapted to recognize the at least one Identifying feature of each participant and to update the information stored on the data storage means accordingly ('670, player identifying information, Para. 51).

4. As to Claim 4: '670 and '744 teach the administration system according to claim 1 wherein the data processing unit is used remotely from the data storage means ('670, Para. 20, personal computer 100 remote from host server 200).

5. As to Claim 5: '670 and '744 teach the administration system according to claim 1 wherein the data processing unit is adapted to communicate remotely with the data storage means ('670, Para. 20, personal computer 100 remote from host server 200).

6. As to Claim 6: '670 and '744 teach the administration system according to claim 1 wherein the data processing unit is adapted to provide at least one notification of a predetermined situation occurring ('670, Paras. 49 & 50, automatically setup; information stored on all players and plays, Para. 26; information storage on plays is done automatically (information input during a game and totaled for each game stage, Para. 14; input information during a game, Para. 19; processing performed for every stage of the game, Para. 35) as opposed to the handwritten entry of the prior art in Paras 4 & 5).

7. As to Claim 7: '670 and '744 teach the administration system according to claim 1 wherein the data storage means comprises a network of computers ('670, Para. 20).
8. As to Claim 8: '670 and '744 teach the administration system according to claim 1 wherein the data storage means is adapted to collect, analyse, collate or filter information stored therein and present the information for in a useable form ('670, Para. 32, print format).
9. As to Claim 9: '670 and '744 teach the administration system according to claim 1 wherein the data processing unit stored the information collected at least temporarily ('670, input on PC 100, Para. 20).
10. As to Claim 10: '670 and '744 teach the administration system according to claim 1 wherein the system operates in virtually instantaneously allowing real time updates ('670, Paras. 49 & 50, automatically setup; information stored on all players and plays, Para. 26; information storage on plays is done automatically (information input during a game and totaled for each game stage, Para. 14; input information during a game, Para. 19; processing performed for every stage of the game, Para. 35) as opposed to the handwritten entry of the prior art in Paras 4 & 5).
11. As to Claim 11: '670 and '744 teach the administration system according to claim 1 wherein the participant identification means includes a code recognisable by the data processing means, the code identifying a participant and allowing access to the participant's information stored on the data storage means ('744, Abst.).
12. As to Claim 12: '670 and '744 teach the administration system according to claim 2 wherein the data processing means includes at least one software application

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compatible with the controlling software application to allow a user of the data processing means to access and filter information contained on the data storage unit ('670, format for superintendent organization, Para. 33).

13. As to Claim 13: '670 and '744 teach the administration system according to claim 1 wherein the data distribution means is linked to the data storage means and is updateable therefrom ('670, Paras. 49 & 50, automatically setup; information stored on all players and plays, Para. 26; information storage on plays is done automatically (information input during a game and totaled for each game stage, Para. 14; input information during a game, Para. 19; processing performed for every stage of the game, Para. 35) as opposed to the handwritten entry of the prior art in Paras 4 & 5).

14. As to Claim 14: '670 and '744 teach the administration system according to claim 13 wherein the data distribution means is updated automatically at predetermined period from the data storage means ('670, Paras. 49 & 50, automatically setup; information stored on all players and plays, Para. 26; information storage on plays is done automatically (information input during a game and totaled for each game stage, Para. 14; input information during a game, Para. 19; processing performed for every stage of the game, Para. 35) as opposed to the handwritten entry of the prior art in Paras. 4 & 5).

15. As to Claim 15: '670 and '744 teach the administration system according to claim 1 wherein a user is 2 5 provided with one of a plurality of access levels each access level provided for security purposes and each access level granting access to information in response to parameters chosen by a user ('670, Para. 32, output and

thereby system access to sponsorship bodies; Para. 44, different output formats for different sponsorship bodies).

16. As to Claim 16: '670 and '744 teach the administration system according to claim 15 wherein the access level of a user determines the type and extent of Information accessible by that user ('670, Paras. 32, 44, and 49).

17. As to Claim 17: '670 and '744 teach the administration system according to claim 1 wherein the at least one data processing unit is adapted to collect information about each participant in order to allow the production and maintenance of records in an electronic form ('670, Para. 41).

18. As to Claim 18: '670 and '744 teach the administration system according to claim 17 wherein the information collected over a period of time is transferred to the data storage means at predetermined intervals and when transferred, updates the Information stored in the data storage means ('670, Paras. 49 & 50, automatically setup; information stored on all players and plays, Para. 26; information storage on plays is done automatically (information input during a game and totaled for each game stage, Para. 14; input information during a game, Para. 19; processing performed for every stage of the game, Para. 35) as opposed to the handwritten entry of the prior art in Paras 4 & 5).

19. As to Claim 19: '670 and '744 teach the administration system according to claim 8 further including a reporting means for producing reports based on the Information stored in the data storage means ('670, Paras. 32, 44, & 49).

20. As to Claim 20: '670 and '744 teach the administration system according to claim 13 wherein the data distribution means is adapted to receive and process requests for information from users and is adapted to analyse the information stored in the data storage means and to provide the requested information once the request for information has been processed ('670, Paras. 32, 44, & 49, formats for individual sponsors).

21. As to Claim 21: '670 and '744 teach the administration system according to claim 20 wherein a user is provided with one of a plurality of access levels each access level provided for security purposes and each access level granting access to information in response to parameters chosen by a user and processing the request includes checking that the user has access to the requested information ('744, player confirms record, 5:1-18; office unit authority, 5:35-53).

22. As to Claim 22: '670 and '744 teach the administration system according to claim 1 wherein the data processing means and the data storage means are both provided with access codes which are independent of each other ('670, Paras. 22 & 24, personal computers 100 accessible by authorized personnel; reports accessible by sponsoring organizations, Para. 44).

23. As to Claim 23: '670 and '744 teach the administration system according to claim 22 wherein more than one access code is provided for each of the data processing means and the data storage means ('670, Para. 44, reports are only accessible by their respective sponsoring organizations, so access codes are inherent for this purpose).

Citation of Pertinent Art

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 2002-055906 A and its English translation are considered to be relevant as they disclose a game reporting system. Giacomotti, et al. in U.S. patent 4,237,376 A teach an event monitor for court games.

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571)272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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